

11/15/01  
U.S. PTO  
JC565

19-05-01

A Reissue

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PTO/SB/50 (02-01)

Approved for use through 01/31/2004. OMB 0651-0033

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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JC565 U.S. PTO  
10/001416  
11/15/01

## REISSUE PATENT APPLICATION TRANSMITTAL

Address to:

**Assistant Commissioner for Patents**  
**Box Reissue**  
**Washington, DC 20231**

Attorney Docket No.	80121-06507
First Named Inventor	Stephen A. Morse
Original Patent Number	5,984,937
Original Patent Issue Date (Month/Day/Year)	11/16/99
Express Mail Label No.	EL566290465US

**APPLICATION FOR REISSUE OF:**  Utility Patent  Design Patent  Plant Patent  
*(Check applicable box)*

## APPLICATION ELEMENTS (37 CFR 1.173)

1.  Fee Transmittal Form (PTO/ SB/ 56)  
*(Submit an original, and a duplicate for fee processing)*
2.  Applicant claims small entity status. See 37 CFR 1.27.
3.  Specification and Claims in double column copy of patent format (*amended, if appropriate*)
4.  Drawing(s) (*proposed amendments, if appropriate*)
5.  Reissue Oath/Declaration (original or copy)  
*(37 C.F.R. § 1.175) (PTO/SB/51 or 52)*
6.  Power of Attorney
7. Original U.S. Patent currently assigned?  Yes  No  
*(If Yes, check applicable box(es))*
  - Written Consent of all Assignees (PTO/SB/53)
  - 37 C.F.R. § 3.73(b) Statement  
*(PTO/SB/96)*
8.  CD-ROM or CD-R in duplicate, Computer Program (Appendix) or large table
9. Nucleotide and/or Amino Acid Sequence Submission  
*(if applicable, all of the following are necessary)*
  - a.  Computer Readable Form (CFR)
  - b. Specification Sequence Listing on:
    - i  CD-ROM (2 copies) or CD-R (2 copies); or
    - ii  paper
  - c.  Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

10.  Statement of status and support for all changes to the claims. See 37 CFR 1.173 (c).
11.  Original U.S. Patent for surrender
  - Ribboned Original Patent Grant
  - Statement of Loss (PTO/SB/55)
12.  Foreign Priority Claim (35 U.S.C. 119) (*if applicable*)
13.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations
14.  English Translation of Reissue Oath/Declaration (*if applicable*)
15.  Preliminary Amendment
16.  Return Receipt Postcard (MPEP 503)  
*(Should be specifically itemized)*
17. Other: .....

**Request to Transfer  
Drawings**  
.....

## 18. CORRESPONDENCE ADDRESS

Customer Number or Bar Code Label **00758** or  Correspondence address below  
*(Insert Customer No. or Attach bar code label here)*

Name			
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NAME <i>(Print/Type)</i>	<b>Albert C. Smith</b>	Registration No. (Attorney/Agent)	<b>20,355</b>
Signature	<i>A. C. Smith</i>	Date	<i>11/15/01</i>

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Reissue, Washington, DC 20231.

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**REISSUE APPLICATION FEE TRANSMITTAL FORM**Docket Number (Optional)  
**80121-06507****Claims as Filed - Part 1**

Claims in Patent		Number Filed in Reissue Application	(3) Number Extra	Small Entity		Other than a Small Entity	
				Rate	Fee	Rate	Fee
(A) 14	Total Claims (37 CFR 1.16(j))	(B) 28	**** 8 =	x \$ _____ =		or	x \$ 18 = 144.00
(C) 5	Independent claims (37 CFR 1.16(j))	(D) 8	* 5 =	x \$ _____ =			x \$ 84 = 420.00
Basic Fee (37 CFR 1.16(h))				\$ _____		\$ 740.00	
Total Filing Fee				\$ _____		OR	\$ 1,304.00

**Claims as Amended - Part 2**

	(1) Claims Remaining After Amendment		(2) Highest Number Previously Paid For	(3) Extra Claims Present	Small Entity		Other than a Small Entity	
					Rate	Fee	Rate	Fee
Total Claims (37 CFR 1.16(i))	***	MINUS	**	* =	x \$ _____ =		x \$ _____ =	
Independent Claims (37 CFR 1.16(i))	***	MINUS	*****	=	x \$ _____ =			x \$ _____ =
Total Additional Fee				\$ _____		OR	\$ _____	

\* If the entry in (D) is less than the entry in (C), Write "0" in column 3.

\*\* If the "Highest Number of Total Claims Previously Paid For" is less than 20, Write "20" in this space.

\*\*\* After any cancellation of claims.

\*\*\*\* If "A" is greater than 20, use (B - A); if "A" is 20 or less, use (B - 20).

\*\*\*\*\* "Highest Number of Independent Claims Previously Paid For" or Number of Independent Claims in Patent (C).

Applicant claims small entity status. See 37 CFR 1.27.

Please charge Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_.  
A duplicate copy of this sheet is enclosed.

The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 or 1.17 which may be required, or credit any overpayment to Deposit Account No. 19-2555.  
A duplicate copy of this sheet is enclosed.

A check in the amount of \$ 1,304.00 to cover the filing / additional fee is enclosed.

Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

11/15/01  
Date

A. C. Smith

Signature of Applicant, Attorney or Agent of Record

Albert C. Smith, Reg. No. 20,355

Typed or printed name

**IN THE UNITED STATES**  
**PATENT AND TRADEMARK OFFICE**

**REISSUE APPLICATION OF:**

PATENTEES: STEPHEN A. MORSE et al.  
PATENT NO.: 5,984,937  
ISSUED: November 16, 1999  
TITLE: ORBITAL DISSECTION CANNULA AND  
METHOD  
APPLICATION NO.:  
FILING DATE:  
ATTY. DKT. NO.: 80121-06507

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10 in an envelope addressed to: Box: Reissue, Commissioner For Patents, Washington, D.C. 20231, on the date shown below:

Express Mail Label No. EL566290465US

Dated: Nov. 15, 2001

By: Albert C. Smith  
Albert C. Smith, Reg. No.: 20,355

BOX: REISSUE  
COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

**ASSENT BY ASSIGNEE FOR FILING OF REISSUE APPLICATION**

Sir:

This is part of the application for reissue filed herewith based upon the original patent identified as follows:

Name of Patentees:  
Steven A. Morse  
Peter L. Callas  
Geoffrey Orth  
Andrew Franzier  
Albert K. Chin

Patent No.: 5,984,937

Issue Date: November 16, 1999

Title: ORBITAL DISSECTION CANNULA AND METHOD

The assignee owns 100% percent interest in the original patent identified above.

I assent to the accompanying application for reissue.

Attached is a Certificate Under 37 CFR § 3.73(b) establishing right of Assignee to take this action.

Origin Medsystems, Inc.

Name of assignee



\_\_\_\_\_  
Signature of person signing for assignee

Date: 11/13/01

Earl Bright – Assistant Secretary

Name and title of person signing for assignee

IN THE UNITED STATES

PATENT AND TRADEMARK OFFICE

REISSUE APPLICATION OF:

PATENTEES: STEPHEN A. MORSE et al.

PATENT NO.: 5,984,937

ISSUED: November 16, 1999

TITLE: ORBITAL DISSECTION CANNULA AND  
METHOD

APPLICATION NO.:

FILING DATE:

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Dated: Nov. 15, 2001

By: A.C. Smith  
Albert C. Smith, Reg. No.: 20,355

BOX: REISSUE  
COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

**REQUEST TO TRANSFER DRAWINGS**

Sir:

Please transfer all drawings from the original Patent No. 5,984,937 to the reissue application identified above.

Respectfully submitted,

STEPHEN A. MORSE ET AL.

A.C. Smith

Albert C. Smith, Reg. No. 20,355

Fenwick & West LLP

Two Palo Alto Square

Palo Alto, CA 94306

Tele: (650) 858-7296

Fax: (650) 494-1417

**Certificate Under 37 CFR § 3.73(b)**

Applicants:	Stephen A. Morse et al.
Patent No.:	<u>5,984,937</u>
Issue Date:	<u>November 16, 1999</u>
Application No.:	<u>08/828,578</u>
Filing Date:	<u>March 31, 1997</u>
Name of Assignee:	Origin Medsystems, Inc.
Type of Assignee (e.g. corporation, partnership, university, government agency, etc.):	Corporation

The above-mentioned Assignee certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 010035, Frame 0611, or for which a copy thereof is attached; OR

B.  A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_  
To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel: \_\_\_\_\_ and Frame: \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_  
To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel: \_\_\_\_\_ and Frame: \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_  
To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel: \_\_\_\_\_ and Frame: \_\_\_\_\_, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.  
 Copies of assignments or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Nov. 15, 2001  
Date

A. C. Smith  
Signature

Albert C. Smith

Name

Reg. No. 20,355

Attorney for Assignee

Title

**IN THE UNITED STATES**  
**PATENT AND TRADEMARK OFFICE**

REISSUE APPLICATION OF:

PATENTEES: STEPHEN A. MORSE et al.  
PATENT NO.: 5,984,937  
ISSUED: November 16, 1999  
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APPLICATION NO.:  
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Express Mail Label No. EL566290465US

Dated: Mar. 15, 2001

By: A. C. Smith  
Albert C. Smith, Reg. No.: 20,355

BOX: REISSUE  
COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

**STATUS OF CLAIMS AND SUPPORT FOR CLAIM CHANGES**

**UNDER 37 C.F.R. §1.173(c)**

Sir:

The status of the claims submitted herewith is:

Claims 15-28 have been added.

The support in the disclosure of the patent for the claims added herein is set forth, for example, as follows:

Reissue claim 15: "... including an endoscopic instrument having an operative tip...". See patent claim 9, col. 6, line 1 and claim 13, lines 34, 35, and Figures 1-8.

Reissue claim 16: "... selectively rotating the endoscope relative to the cannula...". For relative rotation of cannula and endoscope, see patent claim 12, line 27 and patent claim 13, line 49 and Figure 5.

Reissue claim 17: "... an elongated endoscopic instrument supported by the cannula...". See col. 4, lines 34-38 and patent claim 13, line 41 and Figures 1-8.

Reissue claim 18: "... a recess for enclosing the operative tip...". See col. 3, lines 1-9 and Figures 1, 2, 4 and 6.

Reissue claim 19: "... including a fluid seal disposed within the cannula...". See col. 2, lines 55-61, and patent claims 3 and 4, and Figures 1 and 2.

Reissue claim 20: "...including a fluid seal disposed within the recess about the endoscopic instrument ...". See col. 3, lines 38-55 and patent claim 3 and Figure 4.

Reissue claim 21: "...including a fluid seal disposed near the proximal end ...". See col. 2, lines 55-58 and patent claim 4 and Figure 1.

Reissue claim 22: "... the endoscopic instrument translates relative to the cannula to position the operative tip...". See col. 2, lines 65-66, and patent claim 5 and Figure 2.

Reissue claim 23: "... the endoscope is positionable within the lumen in substantially fixed axial position ...". See col. 1, lines 56-58 and patent claim 6 and Figures 1, 2, 5 and 6.

Reissue claim 24: "... the viewing end is positionable in fixed axial position relative to the cannula with the viewing end recessed within the cannula ...". See col. 2, line 66 to col. 3, line 6 and patent claim 7 and Figures 1-3, 5, 6.

Reissue claim 25: "... position the operative tip within a viewing field of the endoscope ...". See col. 4, lines 53-56 and patent claim 5 and Figures 2, 3, 5, 6, 8.

Reissue claim 26: "... the operative tip attached thereto translates relative to the cannula ...". See col. 3, line 65 to col. 4, line 2, and patent claim 5 and Figures 1-6, 8.

Reissue claim 27: "... an elongated cannula ... including a first lumen ... a second lumen eccentric the first lumen ...". See col. 1, lines 51-56 and patent claim 1 and Figures 1-8.

Reissue claim 28: "... a fluid seal disposed in each of the first and second lumens in the cannula intermediate the proximal and distal ends ...". See col. 3, lines 38-45 and patent claims 3 and 4 and Figures 1-4.

Respectfully submitted,

STEPHEN A. MORSE ET AL.



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